

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDGARD PINEDA, *et al.*,

No. C 09-3779 SI

Plaintiffs,

v.

**ORDER TO SHOW CAUSE WHY CASE  
SHOULD NOT BE DISMISSED FOR  
FAILURE TO PROSECUTE**

MORTGAGEIT, INC., *et al.*,

Defendants.

On August 17, 2009, defendants removed this case from state court to this Court. On August 25, 2009, defendants GMAC Mortgage, LLC, ETS Services, LLC, and Mortgage Electronic Registration Systems, Inc., filed a motion to dismiss the complaint. (Docket No. 9). On October 8, 2009, defendant Mortgageit Inc. filed a motion to dismiss the complaint and a motion to strike. (Docket Nos. 22 & 24). All motions are scheduled for a hearing on November 20, 2009. Plaintiffs' oppositions to the motions were due no later than October 30, 2009. Plaintiffs, who are representing themselves without counsel, have not filed any oppositions, nor have plaintiffs taken any action in this case since it was removed to this Court.

Accordingly, the Court orders plaintiffs to file a declaration by **November 23, 2009** stating why this case should not be dismissed without prejudice for failure to prosecute. The November 20, 2009 hearing on defendants' motions to dismiss is VACATED. The Court will reschedule the hearing on the motions if necessary. Failure to comply with these deadlines will result in dismissal of plaintiffs' complaint without prejudice.

**IT IS SO ORDERED.**

Dated: November 12, 2009



SUSAN ILLSTON  
United States District Judge